

25090. Misbranding of Komet, Novak's Female Drops, and Novak's Oil. U. S. v. John Novak Co. Plea of guilty. Fine, \$25. (F. & D. no. 33978. Sample nos. 74582-A, 74583-A, 74584-A.)

This case was based on interstate shipments of drug preparations, all of which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The products Novak's Female Drops and Novak's Oil were further misbranded, the former because of an erroneous declaration of the alcohol content and the latter because of the misleading representation in the labeling that the article was an oil.

On June 11, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the John Novak Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 24, 1934, from the State of Illinois into the State of Pennsylvania, of a quantity of Komet, Novak's Female Drops, and Novak's Oil which were misbranded. The articles were labeled in part, variously: "Komet * * * Manufactured by John Novak Company * * * Chicago, Ill."; "Novak's Female Drops Alcohol 50%"; "Novak's Oil."

Analyses showed that Novak's Female Drops contained alcohol, water, glycerin, oil of cloves, and plant material and cramp bark indicated; that Novak's Oil contained alcohol, water, chloroform, menthol, oil of wintergreen, capsicum, and ammonia; and that Komet contained turpentine, camphor, menthol, oil of wintergreen, and capsicum in a petroleum and wax base.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects appearing on the labeling falsely and fraudulently represented that Komet was effective as "a whip for pain, and to pull the trouble out of aches and pain"; effective as a treatment, remedy, and cure for rheumatic pains, stiff neck, backache, swellings, every ache and pain, rheumatism, sciatica, and lumbago; effective to insure perfect health; that Novak's Female Drops were effective as a treatment, remedy, and cure for female ailments; effective as a treatment, remedy, and cure for irregular, painful, or delayed menstruation of both single and married women; and that Novak's Oil was effective as a treatment, remedy, and cure for rheumatism, pain in the back, lameness, swellings, stiff joints, stiff neck, toothache, and all ordinary pains. Misbranding of Novak's Female Drops was alleged for the further reason that the statement "Alcohol 55 to 65 per cent", borne on the carton, and the statement "Alcohol 50%", borne on the bottle label, were false and misleading, since the article contained less alcohol than declared on either the carton or bottle, namely, not more than 38 percent. Misbranding of Novak's Female Drops was alleged for the further reason that the article contained alcohol and the package failed to bear a statement of the quantity and proportion of alcohol contained therein. Misbranding of Novak's Oil was alleged for the further reason that the statement "Oil", borne on the carton and bottle label, was false and misleading since the said statement represented that the article was an oil, whereas it was not an oil.

On October 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

25091. Misbranding of Nature's Mineral Food. U. S. v. Nature's Mineral Food Co., Inc., and Perry B. Smith. Plea of guilty. Fine, \$25. (F. & D. no. 33988. Sample no. 3327-B.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling and because of false and misleading claims to the effect that it was a natural food, that it consisted essentially of minerals and contained no drugs.

On May 20, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nature's Mineral Food Co., Inc., and Perry B. Smith, of Indianapolis, Ind., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about July 5, 1934, from the State of Indiana into the State of Missouri, of a quantity of Nature's Mineral Food which was misbranded. The article was labeled in part: "Nature's Mineral Food Co., Inc., * * * Indianapolis, Ind."

Analysis showed that the article consisted essentially of calcium phosphate, calcium carbonate, calcium chloride, magnesium sulphate, sodium chloride,